

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY SW D.C.

05 JUN -2 AM 8:42

U.S.A. vs. NICOLE WRIGHT

Robert R. Di Trolio  
CLERK U.S. DIST. CT.  
Docket No. 2:02CR20417-003  
W.D. OF TN - MEMPHIS

**Petition on Probation and Supervised Release**

**COMES NOW** FREDDIE MCMASTER II **PROBATION OFFICER OF THE COURT** presenting an official report upon the conduct and attitude of Nicole Wright who was placed on supervision by the Honorable Samuel H. Mays, Jr. sitting in the Court at Memphis, TN on the 2nd day of May, 2003 who fixed the period of supervision at one year\*, and imposed the general terms and conditions theretofore adopted by the court and also imposed special conditions and terms as follows:

The defendant shall pay restitution, jointly and severally, in the amount of \$342.32 (balance \$342.32).

The defendant shall participate as directed in a program (outpatient and/or inpatient) approved by the probation officer for treatment of narcotic addiction or drug/alcohol dependency which may include testing for the detection of substance use or abuse.

The defendant shall participate as directed in a program of mental health treatment approved by the probation officer.

The defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, or making an obligation for any major purchases without approval of the probation officer.

The defendant shall obtain her General Educational Development Diploma (G.E.D.)

The defendant shall seek and maintain lawful full-time employment.

The defendant shall provide the probation office access to any requested financial information.

\*Probation began on May 2, 2003, and was revoked on May 10, 2004, with a prison sentence of three (3) months (held in abeyance) and a six (6) month term of Supervised Release with the same conditions previously imposed.

\*\*Supervised Release which began May 10, 2004, was revoked December 15, 2004, with a sentence of time served and a new six (6) month period of Supervised Release with the additional special condition:

The defendant shall serve three (3) months halfway house confinement.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

**(PLEASE SEE ATTACHED)**

**PRAYING THAT THE COURT WILL ORDER** a Summons be issued for Ms. Wright to appear before the Honorable Samuel H. Mays, Jr. to answer charges of violation of Supervised Release.

**ORDER OF COURT**

Considered and ordered this 15<sup>th</sup> day of June, 2005 and ordered filed and made a part of the records in the above case.

[Signature]  
United States District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 20, 2005  
[Signature]  
U.S. Probation Officer

Place: Memphis, Tennessee

This document entered on the docket sheet in compliance with Rule 55 and/or 32(b) FRCP on 6/5/05

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**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

THE DEFENDANT HAS VIOLATED THE FOLLOWING CONDITIONS OF SUPERVISED RELEASE:

**The defendant shall not commit another federal, state, or local crime.**

On May 9, 2005, a letter was sent to Ms. Wright instructing her to report to the U.S. Probation Office on May 20, 2005, to provide a blood sample for DNA collection purposes. On May 20, 2005, she informed this officer she could not report as instructed. Failure to provide a DNA sample is a Class A misdemeanor.

**The defendant shall serve three (3) months halfway house confinement.**

Arrangements were made for Ms. Wright to report to Diersen Charities Halfway House on February 15, 2005. She failed to complete the orientation/intake process and was discharged the same day she reported to the facility.

**The defendant shall refrain from any unlawful use of a controlled substance and the defendant shall not possess a controlled substance.**

Ms. Wright used a controlled substance as evidenced by positive screens for marijuana on December 17, 2004, and February 15, 2005.

## VIOLATION WORKSHEET

1. Defendant Nicole Wright 3421 Winchester Pl. #4 Memphis, TN 38116
2. Docket Number (Year-Sequence-Defendant No.) 2:02CR20417-003
3. District/Office Western District of Tennessee (Memphis)
4. Original Sentence Date                      05                      02                      03  
    month                      day                      year

(If different than above):

5. Original District/Office \_\_\_\_\_
6. Original Docket Number (Year-Sequence-Defendant No.) \_\_\_\_\_
7. List each violation and determine the applicable grade {see §7B1.1}:

<u>Violation{s}</u>	<u>Grade</u>
<b>Criminal law violation: Failure to provide DNA sample</b>	<u>C</u>
<b>Possession/usage of controlled substance: marijuana</b>	<u>C</u>
<b>Failure to complete 3 months community confinement</b>	<u>C</u>
8. Most Serious Grade of Violation (see §7B1.1(b))	<u>C</u>
9. Criminal History Category (see §7B1.4(a))74	<u>I</u>

10. Range of imprisonment (see §7B1.4(a))

3-9 months*
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\*Being originally convicted of a Class D felony, the statutory maximum term of imprisonment is 24 months; 18 U.S.C. §3583(e)(3).

11. Sentencing Options for Grade B and C violations Only (Check the appropriate box):

- ☒ (a) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c) (1) provides sentencing options to imprisonment.
- ☐ (b) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c) (2) provides sentencing options to imprisonment.
- ☐ (c) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Mail documents to: United States sentencing Commission, 1331 Pennsylvania Avenue, N.W.  
 Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit

**12. Unsatisfied Conditions of Original Sentence**

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation {see §7B1.3(d)}:

Restitution (\$)	<u>\$342.32</u>	Community Confinement	<u>89 days</u>
Fine (\$)	<u>N/A</u>	Home Detention	<u>N/A</u>
Other	<u>N/A</u>	Intermittent Confinement	<u>N/A</u>

**13. Supervised Release**

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3 {see §§7B1.3(g)(1)}.

Term: N/A to N/A years

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment impossible upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment {see 18 U.S.C. §3583(e) and §7B1.3(g)(2)}.

Period of supervised release to be served following release from imprisonment: \_\_\_\_\_

**14. Departure**

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

Pursuant to §7B1.3(d) any community confinement previously imposed that remains unserved at the time of revocation may be served in addition to the sanction determined under §7B1.4. Thus, the adjusted range, taking into account the unserved Community Confinement, would be approximately 6-12 months.

**15. Official Detention Adjustment {see §7B1.3(e)}: months \_\_\_\_\_ days \_\_\_\_\_**

Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.  
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit



## Notice of Distribution

This notice confirms a copy of the document docketed as number 103 in case 2:02-CR-20417 was distributed by fax, mail, or direct printing on June 8, 2005 to the parties listed.

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Honorable Samuel Mays  
US DISTRICT COURT